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In re Application of  
TERRASSE et al. :  
Serial No.: 10/530,832 :  
PCT No.: PCT/FR03/02957 :  
Int. Filing Date: 08 October 2003 : DECISION ON PETITION  
Priority Date: 08 October 2002 :  
Atty. Docket No.: N/A :  
For: SKIN TESTING KIT FOR :  
DIAGNOSING ATOPY :  
(CUTANEOUS DIAGNOSTIC KIT :  
ATOPY) :

This decision is in response to applicants' communication which is being treated as a Petition to Revive an Unintentionally Abandoned Application under 37 CFR 1.137(b) filed on 23 September 2005.

### **BACKGROUND**

On 08 October 2003, applicants filed international application no. PCT/FR03/02957 which claimed a priority date of 08 October 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 April 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the priority date, or at midnight on 08 April 2005.

On 08 April 2005, applicants filed a Transmittal Letter (PTO-1390) which included an English translation of the international application.

On 14 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT UNDER 35 U.S.C. 371 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 23 September 2005, applicants filed the present submission requesting the above-identified application be revived under 37 CFR 1.137(b).

### DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). Items (1) and (4) have been satisfied.

With regard to Item (1), the proper response was the payment of the basic national fee of \$150.00.

As to Item (2), the appropriate petition fee of \$750.00 as required by 37 CFR 1.17(m) has not been submitted.

With regard to Item (3), applicants' have not stated that "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" pursuant to with 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

### CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice and the application remains **ABANDONED**.

If reconsideration on the merits of this petition is desired, an appropriate response to this decision must be filed within **TWO (2) MONTHS** from the mail date of this decision and must include the \$750 petition fee and the required statement pursuant to 37 CFR 1.137(b)(3). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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